HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 6189 of 2001 (SS)
(Old No. 14973 of 1992)

Smt. Janki Bhauriyal w/o Sri Trilok Singh
Village Dayari Patti Nakuri, District Almora .....Petitioner

Versus

1. The Chief Medical Officer, Almora
2. Stare of U.P. through Secretary Medical Health, Govt. Of U.P. Lucknow. .....Respondents

Sri Manoj Tiwari, Advocate of the petitioner
Standing Counsel for the respondents.

Dated: 31.3.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ order or direction in the nature of certiorari quashing the order dated 23/28.3.1992 passed by the respondent no. 1.

Briefly stated the facts giving rise to the present writ petition are that the petitioner is a trained nurse and she was temporarily appointed as Basic Health Worker (Woman) vide order dated 11.4.1989 and the petitioner has submitted his joining report on 17.4.1989. The service of the petitioner was terminated by the respondent no. 1 vide order dated

23/28.3.1992 without assigning any reasons and without giving opportunity to the petitioner for hearing.

The petitioner has stated that the nurses who were subsequently appointed after her and who are junior to her are still working. Petitioner has alleged that neither any notice was given to her nor one month's salary in lieu of notice was given to her as contemplated under Rule 3 of the U.P. Temporary Government Servants (Termination of Service) Rules, 1975.

At the time of filing of the writ petition the High Court has passed the following stay order on 23.4.1992:

"If the persons junior to the petitioner are allowed to continue, petitioner will also be permitted to continue till further orders and the impugned order shall not stand in the way of the authorities for providing a job to the petitioner. If he is provided a job, he will also be entitled for the salary."

The counsel for the petitioner has submitted that pursuant to the interim order, petitioner is still continuing in job.

Similar writ petition of another nurse Km. Chandra kala has been decided by this Court on 19.11.2002. The facts of writ petition No. 341 of 2002 (SS) Km. Chandra Kala vs. Chief Medical Officer, Almora are squarely covered with the facts of

present writ petition. Therefore, this writ petition is decided in terms of writ petition No. 341 of 2002 (SS).

In view of above, a writ of certiorari is issued quashing the order 23/28.3.1992. The petitioner shall continue on her post.

Accordingly, the writ petition is allowed. No order as to costs.

Dated: 31.3.2006 **Rajesh Tandon, J.**

*Dhyani